

August 1, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

Crystal Peterson
Associate Brand Manager
Kenwood Vineyards
13250 River Road
Guerneville, CA 95446

RE: Kenwood Vineyards Perfect Pasta Pairing Contest

Dear Ms. Peterson:

ISSUE: This correspondence is in response to your e-mail and attached letter of July 23, 2013, wherein you request approval to run the Kenwood Vineyards Perfect Pasta Pairing Contest in Pennsylvania.

According to the "Official Rules" that you provided with your e-mail and attached letter, the contest is scheduled to begin on September 15, 2013, and runs until December 1, 2013. Interested individuals may enter the contest by visiting www.kenwoodvineyards.com/pastacontest, completing and transmitting the on-screen entry form, and submitting a perfect pasta pairing entry, which includes the following: the name of the dish; an original pasta recipe of no more than five hundred (500) words; the name of the one (1) Kenwood Vineyards wine that would pair best with the dish out of six (6) possible categories; an explanation of how the flavors in the dish are the ultimate complement to the selected wine (limited to no more than one hundred fifty (150) words); and an optional photo/digital image of the original pasta dish. There is a limit of one (1) submission per person.

All submissions will be judged by a qualified panel of judges on a one hundred (100) point scale. The submissions will be judged based on the following criteria: originality – forty (40) points; perceived taste appeal – thirty (30) points; and perceived wine pairing – thirty (30) points. One (1) winner will be chosen from the contests submissions in each category based on the submission that receives the highest score. The judges will then select one (1) grand prize winner by preparing the recipe of each of the six (6) category winners and judging their submissions based on the following criteria: taste – forty (40) points; clarity of recipe instructions – thirty (30) points; quality – ten (10) points; creativity – ten (10) points; and originality – ten (10) points.

Each of the six (6) category winners will receive a gourmet culinary gift basket valued at approximately one hundred fifty dollars (\$150.00). The gift basket will not include alcoholic beverages.

The one (1) grand prize winner will receive a trip for the grand prize winner and one (1) guest to Sonoma County, California for three (3) days and two (2) nights. The trip includes the following: round-trip coach airfare from the major commercial airport closest to the winner's home to San Francisco, California; lodging (one (1) standard room, double occupancy, at a hotel of the sponsor's choice); an exclusive behind the scenes tour of Kenwood Vineyards; three (3) meals per day; culinary activities; daily car service to and from specified activities; and transportation between the airport in San Francisco and Sonoma County. The approximate retail value of the grand prize is five thousand dollars (\$5,000.00). Alcoholic beverages are not part of the grand prize.

The contest is open only to legal residents of the United States who are twenty-one (21) years of age or older at the time entry. No purchase is necessary to enter or win the contest.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer or licensee may sponsor sweepstakes promotions subject to the following conditions:

- i. No purchase is necessary to enter.
- ii. Entrants shall be twenty-one (21) years of age or older.
- iii. Retail licensed premises may only be involved as pick-up or drop-off points for entry forms and not for the conducting of drawings or the awarding of prizes.
- iv. Alcoholic beverages may not be part of the prize.

[40 Pa. Code § 5.32(h)].

This office has reviewed the proposed promotion as described in the "Official Rules" and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], as long as alcoholic beverages are not awarded as any part of the prize.

While the “Official Rules” that you provided indicate that alcoholic beverages will not be part of the grand prize, it is important to point out, in case you are unaware, that to the extent that any part of the grand prize trip being awarded, including the behind the scenes tour, meals, and/or culinary activities, will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guests, this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

Please be advised that prior approval of malt or brewed beverages point-of-sale (“POS”) material and retail licensed premises POS material is no longer required. However, the requirement for prior approval of POS material intended for use in the Board’s wine and spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. § 4-493(20)(i)].

Therefore, as long as alcoholic beverages are not awarded as any part of the prize, it is permissible to conduct this promotion in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the Board’s wine and spirits stores, subject to approval of the Bureau of Product Selection (POS only).
- other – Internet, text messaging.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Crystal Peterson
August 1, 2013
Page 4

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
James Short, Director of Marketing
Timothy Fringer, Bureau of Product Selection
Michelle Bonsick, Bureau of Marketing Communications, Branding & Design

LCB Advisory Opinion No. 13-357